



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 29, 1994

Mr. Jim Vanderhoof  
Police Chief  
P.O. Box 231  
Clifton, Texas 76634

OR94-518

Dear Chief Vanderhoof:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25933.

The Clifton Police Department (the "police department") has received an open records request for "the names of all parolees, and those mandatorily released, living in Bosque County." You have submitted to us for review records that contain the information responsive to the request and claim that section 552.108 of the Government Code exempts it from required public disclosure.

We conclude that the language of article 42.18, section 18 of the Code of Criminal Procedure affirmatively requires the police department to furnish the requested information upon request. Section 18 of article 42.18 provides as follows:

All information obtained and maintained in connection with inmates of the institutional division subject to parole, release to mandatory supervision, or executive clemency, or individuals who may be on mandatory supervision or parole and under the supervision of the pardons and paroles division, or persons directly identified in any proposed plan of release for a prisoner, including victim impact statements, lists of inmates eligible for parole, and inmates' arrest records, shall be confidential and privileged information and shall not be subject to public inspection; provided, however, that all such information shall be available to the governor,

the members of the board, and the Criminal Justice Policy Council to perform its duties under Section 413.021, Government Code, upon request. It is further provided that statistical and general information respecting the parole and mandatory supervision program and system, *including the names of paroled prisoners, prisoners released to mandatory supervision, and data recorded in connection with parole and mandatory supervision services, shall be subject to public inspection at any reasonable time.* [Emphasis added.]

The names of prisoners paroled or released to mandatory supervision by the Board of Pardons and Paroles are expressly open to public inspection under section 18 of article 42.18. In this case, however, the requestor in fact asks for information in addition to the names of inmates paroled by or released to mandatory supervision by the Board of Pardons and Paroles. He also wants to know which of these persons reside in Bosque County. We have examined the records in the file, and have seen that the prisoner's county of residence can be determined from his or her address. It has been held that the names and addresses of persons whose sentences have been commuted must be made available to the public. Open Records Decision No. 33 (1974) (construing statutory predecessor of Code of Criminal Procedure article 42.18, section 18). The reasoning of this ruling also applies to prisoners paroled or released to mandatory supervision.

Accordingly, section 18 requires you to release the names of prisoners on parole or mandatory supervision in Bosque County.<sup>1</sup> The Open Records Act does not permit a governmental body to withhold information expressly made public by another statute. See Open Records Decision No. 613 (1993) at 4. Therefore, even if section 552.108 of the Government Code might otherwise except from disclosure the information requested in this case,<sup>2</sup> you must release it under article 42.18, section 18 of the Code of Criminal Procedure.

You also ask for a decision about other data that may be released from your records concerning persons released on parole or to mandatory supervision. However, your authority and duty to request rulings under section 552.301 of the Government Code arises only when you receive a request for information that you believe to be excepted from disclosure under the Open Records Act. You are not required to release information

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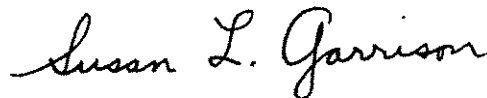
<sup>1</sup>We note that none of the prisoners whose records you submitted for review appear to have a reportable conviction or adjudication under article 6252-13c.1, V.T.C.S. Therefore, our decision here does not implicate the confidentiality provision in article 6252-13c.1.

<sup>2</sup>In light of this result, we need not address your concerns under section 552.108 of the Government Code. See Open Records Decision No. 190 (1978); see also Open Records Decision Nos. 92, 87 (1975); 43 (1974).

that has not been requested, and in the absence of such a request for records, you are not authorized to seek a decision interpreting the Open Records Act or another provision on the availability of records to the public.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Susan L. Garrison  
Assistant Attorney General  
Open Government Section

SLG/GCK/sbm

Ref.: ID# 25933

Enclosed: Submitted documents

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